

## **Exhibit 25**

# **PLAINTIFF HARFORD COUNTY BOARD OF EDUCATION OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (HARFORD) (SD MSJ NO. 6)**

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-03065-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

# POLICY

## Harford County Public Schools

POLICY TITLE: <b>Portable Communication Devices</b>		
ADOPTION/EFFECTIVE DATE: <b>6/11/1990</b>	MOST RECENTLY AMENDED: <b>3/18/2024</b>	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: <b>School Management</b>		

### I. Purpose

The purpose of this policy is to establish criteria regarding student use of Portable Communication Devices (PCDs), Personal Listening Devices (PLD), and Wearable Communication Devices (WCD) as defined herein. Student use of cell phones, PCDs, PLDs, WCDs, or other electronic devices during the school day is a privilege. Adherence to the guidelines below is essential to maintaining an appropriate, learning-focused academic environment and the integrity of the classroom.

### II. Policy Statement

PCDs, PLDs, and WCDs may serve as an outstanding instructional tool and learning resource if used appropriately and under the direction of the teacher or with teacher permission. We support our school staff members and our students to use electronics and other 21st century devices to supplement instruction and learning. However, it has been proven that students who are on PCDs, PLDs, or WCDs when it is not part of the instructional lesson are not fully engaged in learning. In order to preserve the teaching and learning environment, this document is to clarify the cell phone/portable communication devices policy for Harford County Public Schools.

### III. Definitions

- A. Deactivated means the device is not able to emit any notifications, which encompasses sound, vibration, and visual alerts and includes settings such as the off position or “Do Not Disturb” mode;
- B. Educational Environment means all locations where learning takes place, including but not limited to the traditional classroom, libraries, laboratories, assembly halls, and online platforms.
- C. Portable Communication Device (PCD) means any electronic or battery powered instrument which transmits or receives voice, text, data, or information in any form including, but not limited to, cell phones, smart phones, tablets, electronic readers, or language translators and which is not owned by Harford County Public Schools (HCPS). Tracking devices that

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do not send or receive voice or text are excluded from this definition and include pedometers or location trackers, such as Apple Air Tags or Tile.

- D. Personal Listening Device (PLD) means any electronic instrument which transmits sound to a personal user such as headphones, earbuds, or personal speakers.
- E. Regular School Day means the time when students are required to be in homeroom to the time of dismissal.
- F. Wearable Communication Device (WCD) means any electronic or battery-powered instrument that transmits or receives voice, text, data, or information that is designed primarily to be worn on the person, including, but not limited to, smartwatch, smart glasses, smart ring, or fitness tracker.

### IV. Elementary School

- A. Students in elementary school may possess a PCD or PLD on school grounds during the regular school day provided they are kept and maintained in the student's backpack and is Deactivated.
- B. Elementary students may possess and use a PCD, PLD, or WCD on school grounds and buses when authorized to do so pursuant to the students Individualized Education Plan, Section 504 Plan, or Nursing Plan.
- C. Students in any grade may use a PCD, PLD, or WCD on school buses before or after the regular school day provided:
  - 1) students may not use a PCD or WCDs for conversation, calls, photographing, or video or audio recording;
  - 2) such use does not include implementation of the audio component of the PCD or WCD unless the student uses a PLD.

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### V. Middle School

- A. Students in middle school may possess a PCD or PLD on school grounds during the regular school day provided kept and maintained in the student's locker and is Deactivated.
- B. WCDs are permitted on a student's person but must be Deactivated in the Educational Environment, unless otherwise instructed by a teacher or staff member.
- C. Middle school students may possess and use a PCD, PLD, or WCD on school grounds and buses when authorized to do so pursuant to the students Individualized Education Plan, Section 504 Plan, or Nursing Plan.
- D. Students in any grade may use PCDs, PLDs, or WCDs on school buses before or after the regular school day provided:
  - 1) students may not use PCDs for conversation, calls, photographing, or video or audio recording;
  - 2) such use does not include implementation of the audio component of the PCD or WCD unless the student uses a PLD.

### VI. High School

- A. PLDs and PCDs are permitted on a student's person but must not be visible and is Deactivated in the Educational Environment, unless otherwise instructed by a teacher or staff member.
- B. WCDs are permitted on a student's person but must be Deactivated in the Educational Environment, unless otherwise instructed by a teacher or staff member.
- C. High school students may possess and use a PCD, PLD, or WCD on school grounds and buses when authorized to do so pursuant to the students Individualized Education Plan, Section 504 Plan, or Nursing Plan.

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- D. Students in any grade may use PCDs, PLDs, or WCDs on school buses before or after the regular school day provided:
  - 1) students may not use PCDs or WCDs for conversation, calls, photographing, or video or audio recording;
  - 2) such use does not include implementation of the audio component of the PCD or WCD unless the student uses a PLD.

### VII. General Provisions

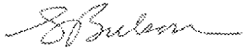
- A. Students' possession or use of personal PCDs, PLDs, or WCDs permitted under this policy shall not:
  - 1) disrupt the educational environment;
  - 2) thwart or disrupt HCPS network security;
  - 3) impede the student from being able to hear explicit directions from staff members or hear emergency signals/announcements;
  - 4) violate federal or state law or regulation;
  - 5) invade the privacy of other students.
- B. HCPS is not responsible for any theft of, loss of or damage to the student's PCD, PLD, or WCD.
- C. Students using PCDs, PLDs, or WCDs in any manner that disrupts the educational environment, from within or from outside the classroom, or violates the rights of others, including, but not limited to, using the device in violation of our academic honesty policy, violating school conduct rules, harassing or bullying/cyber-bullying staff or students, photographing or video recording or using their device for unlawful purposes and/or in a manner that violates this policy will be subject to disciplinary action.
- D. The privilege of using PCDs, PLDs, and WCDs may be revoked when used in a manner inconsistent with this policy or other Board policies and HCPS procedures.

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**Board Approval Acknowledged By:**



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**Sean W. Bulson, Ed. D., Superintendent of Schools  
and Secretary - Treasurer**

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Board of Education of Harford County

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Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	6/11/1990	Amended	11/26/2001		
Amended	7/8/1991	Amended	8/14/2006		
Amended	6/10/1996	Amended	7/29/2013		
Amended	6/9/1997	Amended	3/18/2024		

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Katie Ridgeway Mike O'Brien		JOB POSITION OF LAST EDITOR/DRAFTER: Director of Strategic Initiatives Executive Director of Middle & High School Performance
PERSON RESPONSIBLE:		JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME: N/A		JOB POSITION OF DESIGNEE: N/A
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: School Administration - .02.08.033		